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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,760	06/25/2001	Chuang-Chia Lin	ONX-121	1002
27652	7590	11/06/2003	EXAMINER	
JOSHUA D. ISENBERG 204 CASTRO LANE FREMONT, CA 94539			PATEL, TULSIDAS C	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,760

Applicant(s)

LIN, CHUANG-CHIA

Examiner

T. C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46-49 is/are allowed.
- 6) ☒ Claim(s) 1, 11-45 and 50-61 is/are rejected.
- 7) ☒ Claim(s) 2-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

General Status

1. This is a Second Non-Final Action on the Merits. Claims 1-61 are pending in the case.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 15-45 and 50-61 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, the recitation "anti-stiction member that is interposable between the moveable member and the substrate" only indicate the possibility of anti-stiction member being in-between the moveable member and the substrate, hence is vague and indefinite. Claims 29 and 50 also have the same deficiencies.

Claim 35 and 36 recite "wherein the one or more flexible portion", there is no antecedent basis for this limitation in these claims.

For claims 42 and 52, the parenthesis around the limitations makes claim vague and indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 11-17, 24, 26, 29-31, 38, 40-44 and 50-55 are rejected under 35 U.S.C. § 102(e) as being anticipated by Anderson et al. (US 6,600,591).

For claims 1, 15, 29 and 50, Anderson et al. in figure 1, discloses a method of reducing stiction in MEMS device comprising a moveable element 112 coupled to a substrate 104, the method comprising providing the substrate with an anti-stiction member 120a, 120b, and interposing the anti-stiction member between the movable member and the substrate. For claim 11, the area of contact being a point or line, the method also minimizes the area of

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contact between the movable member 112 and the anti-stiction member 120a. For claims 12-14, 24 and 38-40, a portion of the substrate is electrically isolated from the mirror and also an insulating material 112 is placed between the anti-stiction member 120a, 120b and electrically conductive portion 116 of the moveable member and also the substrate 104. For claims 15 and 29, the moveable member 112, the substrate 104 and the anti-stiction members 120a, 120b are disclosed in figures 1A-1C. For claims 16, 17, 30, 31, 54 and 55, the anti-stiction member is attached to the substrate and is not attached to the moveable member. For claim 26, a portion 112 of moveable member is electrically insulated. For claims 21, 23, plural flexible members are disclosed for the anti-stiction member. For claims 41-43, 51, 52, 53, mirror 116 deflects/reflects light. For claim 44, the mirror is able to rotate (figures 1A and 1B). For claim 50, the mirror arrangement forms a switch.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,600,591) in view of Lin (US 6,215,921).

As discussed above, Anderson et al. satisfies the limitations of claim 29. However, Anderson et al. does not disclose the moveable element having translational movement. Lin, in figure 7, disclose a moveable member having translational movement, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to use moveable member with translation movement, so as to have effective displacement of the moveable member.

Allowable Subject Matter

8. Claims 2-10, 18-23, 25, 27, 28, 32-37, 39 and 56-61 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and subject to 112, second paragraph rejection.

9. Claims 46-49 are allowed.

Response to Arguments

10. Applicant's arguments with respect to claims 1-61 have been considered but are moot in view of the new ground(s) of rejection.

The applicant submitted mark-up drawings and also amended the specification; hence the Examiner has withdrawn the drawing objection. Since the Examiner has used new art for rejection, this action is made non-final.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. C. Patel whose telephone number is (703) 308-1736. The examiner can normally be reached on 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (703) 308-2710. The fax phone numbers for the

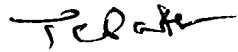
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organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1736.


T. C. Patel
Primary Examiner
Art Unit 2839

tcp
October 31, 2003